

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AUCOPIOUS, LLC, JAMES E. DAVIS,
and ROY A. WALKER,

Plaintiffs/Counter-
Defendants,

v.

SPG14, LLC, DEAN B. LARIMER,
BARBARA E. ROBINSON, individually
and as TRUSTEE TO THE BARBARA
E. ROBINSON TRUST, and DOES 1-20,
inclusive,

Defendants/Counter-
Plaintiffs.

Case No. 1:22-cv-01073-JLT-CDB

**ORDER ON STIPULATION VACATING
CASE MANAGEMENT DATES;
GRANTING LEAVE TO FILE THIRD
AMENDED COMPLAINT; SETTING
NEW SCHEDULING CONFERENCE**

21-DAY DEADLINE

SCHEDULING CONFERENCE SET FOR
DECEMBER 13, 2023

(Doc. 38)

Pending before the Court is the parties' stipulated request, filed September 20, 2023, for court order: (1) vacating the scheduling order, including the operative January 22, 2024 trial date; (2) granting Plaintiffs leave to file a Third Amended Complaint to add the County of Kern and the Federal Bureau of Land Management ("BLM") as parties to this action; and (3) setting a new scheduling conference with sufficient time to serve the newly added parties. (Doc. 38).

The parties' stipulation and proposed order is accompanied by declarations from Timothy V. Kassouni, Charles Frederick Meine, III and Nicholas J. Street, counsel of record for all parties. (Docs. 38-1 through 38-3)

Through their declarations, counsel attest that, at some time in early-August 2023,

1 Attorney Meine realized that the Court's judgment in this action "would require action and
2 impose obligations on additional parties that were not parties to the action." (Meine Declaration ¶
3 5). Specifically, Attorney Meine noticed that the road at issue in the case had been maintained by
4 his clients, and if the Court declares that the road is a public road, then the maintenance duties
5 may fall to the nonparty County of Kern or the BLM. *Id.* ¶ 6. The parties met and conferred on
6 September 8, 2023, and ultimately agreed that Plaintiffs should name the County of Kern and
7 BLM as parties in this matter in order to (1) avoid the issue being raised for the first time at trial,
8 (2) avoid further delay and expenditure of legal fees if it is found that they are necessary actions,
9 and (3) avoid the potential for additional litigation to clarify the issue of maintenance obligations.
10 *Id.* ¶ 4.

11 For good cause shown. IT IS HEREBY ORDERED THAT:

- 12 1. The Scheduling Order (Doc. 24), including the January 17, 2024, trial date is
13 VACATED.
- 14 2. Pursuant to Fed. R. Civ. P. 15(a)(2), the parties' stipulated request for leave to file a
15 Third Amended Complaint is GRANTED. Plaintiffs are directed to file a Third
16 Amended Complaint within **21 days** of the date of entry of this Order.
- 17 3. Plaintiffs shall diligently pursue service of summons and complaint and dismiss those
18 newly named defendants against whom Plaintiffs will not pursue claims. Plaintiffs
19 shall promptly file proofs of service of the summons and complaint so the Court has a
20 record of service.
- 21 4. The Court sets a Scheduling Conference on **December 13, 2023, at 9:30 a.m.** The
22 parties are reminded to file a joint scheduling report one full week prior to the
23 conference. *See* Doc. 4.

24 IT IS SO ORDERED.

25 Dated: October 2, 2023


26 UNITED STATES MAGISTRATE JUDGE
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